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DAVE LANG
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 93-10

IN RE: CIVIL RIGHTS COMPLAINT PROCEDURE

WHEREAS, The Florida Supreme Court instructed each Circuit Court and District Court of Appeals to develop a Civil Rights Complaint Procedure; and

WHEREAS, it is the intent of the chief judge to have a clearly defined process to handle complaints, it is therefore,

ORDERED THAT:

The following procedures shall be utilized when complaints of discrimination, by and against officers and employees of the Second Judicial Circuit are made because of race; religion; sex, including sexual harassment, national origin, age, disability; marital status; or sexual orientation.

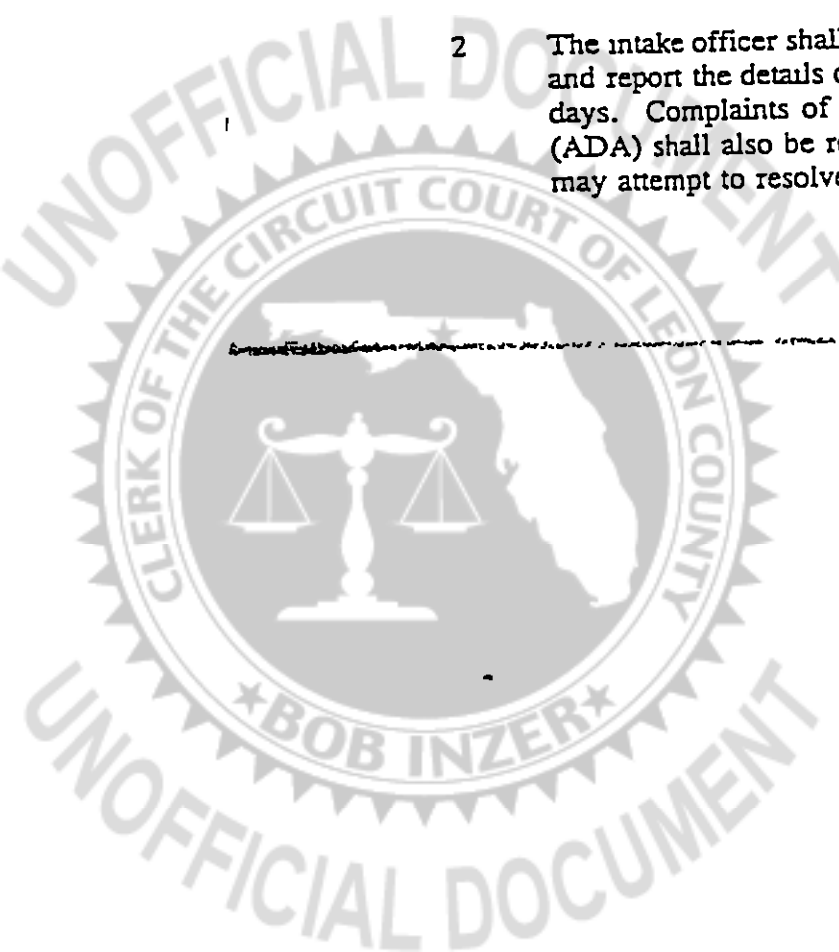
A. Intake Officer

The chief judge shall appoint an intake officer who shall be responsible for receiving and documenting complaints of discrimination by and against Second Judicial Circuit officers and employees. The name, office location, and phone number of the intake officer shall be posted in a prominent place with this Administrative Order.

B. Procedure

1 All complaints of discrimination shall be treated seriously and acted upon promptly. Any officer, employee, or applicant for employment who believes that he or she is a victim of discrimination, should report the matter either orally or in writing to the intake officer or the employee's supervisor within ninety (90) days of the date of the alleged violation. If reported to the supervisor, the supervisor will report the complaint to the intake officer.

2 The intake officer shall interview the officer or employee the complaint is against and report the details of the complaint to the chief judge within five (5) working days. Complaints of discrimination under the Americans with Disabilities Act (ADA) shall also be referred to the court's ADA coordinator. The chief judge may attempt to resolve the complaint informally through mutual conciliation, or



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appoint an investigative officer(s) who will make an investigation and report to the chief judge on this matter.

- 3 If mutual conciliation is agreed upon by the complainant and the officer or employee the complaint is against, the chief judge, or an appointed representative, will meet with the individuals involved to discuss the nature of the complaint and methods for resolution. The chief judge, his or her appointed representative, or the individuals involved, may recommend alternative dispute resolution as a method for resolving the complaint. Alternative dispute resolution may be initiated at any stage of this procedure.

- 4 If an investigative officer(s) is appointed

(1) The investigative officer(s) shall

- a. Interview the complainant concerning the nature and facts of the complaint.
- b. Interview the officer or employee the complaint is against to obtain his or her understanding of the complaint, and his or her perception of the facts of the complaint. The officer or employee the complaint is against may prepare a written response to the complaint.
- c. Interview any witnesses as the investigative officer(s) deem necessary.
- d. Prepare and submit a written report to the chief judge describing the nature and facts of the complaint.

- (2) The chief judge shall make a determination of the validity of the complaint. The chief judge may meet with all individuals concerned with a goal toward mutual resolution by dismissing the complaint, authorizing appropriate discipline up to and including dismissal, or referring the complaint to the appropriate outside agency. The chief judge may meet with the complainant and the officer or employee the complaint is against, either separately or together, and inform them of his or her decision.

C. Confidentiality

Written materials developed through the use of this procedure will be subject to Rule 2.051, Public Access to Judicial Records, Florida Rules of Judicial Administration.

D. Other Remedies

Irrespective of these internal procedures, the complainant retains the right before, during, or after the proceedings, to seek remedy outside the court's internal procedure as provided by law.

E. Records

All records of complaints of discrimination and their resolution shall be documented and maintained by the intake officer. If an investigation takes place, and the investigative officer has submitted a written report to the chief justice, any record of any resulting disciplinary action will be maintained in the disciplined employee's personnel file

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida this 10
day of September, 1993


PHILIP J. PADOVANO
CHIEF JUDGE

